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**OFFICE OF PETITIONS**

In re Application of

Corrie, et al.

Application No. 09/928,364

Filed: August 14, 2001

Attorney Docket No. 1330.1101

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed September 24, 2007.

The petition is **granted**.

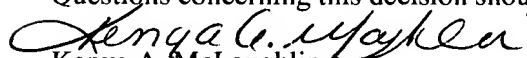
This application was held abandoned February 18, 2007, after no reply was received to the non-final Office action mailed November 17, 2006. The notice set for shortened statutory period for reply of three (3) months from its mailing date. A response was not received within the allowable period and the application became abandoned on February 18, 2007. A Notice of Abandonment was mailed on September 19, 2007. Petitioner maintains that the non-final Office action was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 3600, GAU 3691 for further processing, including re-mailing of the non-final Office action and resetting of the time period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

  
Kenya A. McLaughlin

Petitions Attorney  
Office of Petitions